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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 05/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,358

Applicant(s)

CHEN ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1.

***Claim Objections***

The numbering of claims is not in acceptable numerical format as two claims are numbered 18. Appropriate correction is requested.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-3, 8, 9, 11, 12, 18, 20, 22, 23, 24, 28, 29 and 33 are rejected under 35

U.S.C. 102(b) as being anticipated by US PAT. No. 5,506,393 issued to Ziarno (hereafter Pat '393).

Regarding claims 1, 22, 35 and 36, Pat '393 discloses: one or more virtual data islands [first donation kettle, second donation kettle 100, Fig 1] partitioned inside the database [kettle data storage 302, Fig 1a and terminal 120 data storage, Fig 1] each virtual data island storing client data for a specific client engaged in a fundraising campaign [col. 1, lines 20-25], the client data containing one or more constituent records [col. 3, lines 59-65], a data pool selected from the constituent records [tally of a credit card 145 donation, tally of a debit card 150 donation, tally of a cash donation or combinations thereof for a single contributor or a plurality of contributors, col. 5, lines 10-20], one or more program codes for analyzing the data pool

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[addition, subtraction, multiplication, division, and statistical calculations, total donations, monthly statement, a histogram, sub-group of contributors, or group of contributors [col. 5, lines 17-20].

Regarding claims 2 and 23, Pat '393 discloses the results are used in fundraising campaigns [col. 5, lines 23-28]

Regarding claims 3 and 24, Pat '393 discloses a master island containing a compilation of the fields in the virtual islands [Fig 1, terminal 120 and col. 4, lines 1-11]

Regarding claim 8, Pat '393 discloses the client is a person [col. 3, lines 59-65]

Regarding claims 9 and 28, Pat '393 discloses the results of the analysis are used to identify potential donors likely to donate to one or more charities [col. 5, lines 24-28].

Regarding claim 11, Pat '393 discloses a program code for statistical analysis [col. 5, lines 10-22]

Regarding claims 12 and 29, Pat '393 discloses a probability of a charitable donation [monthly statement, col.5, line 26]

Regarding **first** claims 18 and 33, Pat '393 discloses a charitable organization [col. 1, lines 20-25].

Regarding claim 20, Pat '393 discloses a common identifier shared by the individual donor records across the virtual data islands [credit card donation col. 3, line 48].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393).
5. Regarding claims 7 and 32, Pat '393 discloses a charitable organization but does not disclose a nonprofit organization. Official Notice is taken that a nonprofit organization is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a nonprofit organization since the IRS grants nonprofit status to most charitable organizations. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

6. Claims 4-6, 16, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claims 1 and 22 above, and further in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572).

Regarding claims 4 and 25, Pat '393 discloses the essential elements of the claimed invention except for a linking table. Pat '572 discloses a linking table [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a linking table as taught by Pat '572 for the purpose of speedy analysis of marketing data and report generation [col. 10, lines 1-15].

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Regarding claims 5, 6, 26 and 27, Pat '393 discloses the essential elements of the claimed invention except for the internet. Pat '572 discloses the internet [col. 2, lines 60-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include the internet as taught by Pat '572 for the purpose of implementing an efficient market data collection system [col. 2, lines 60-63].

Regarding claim 16, Pat '393 discloses the essential elements of the claimed invention except for automatically updating fields. Pat '572 discloses automatically updating fields [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include automatically updating fields as taught by Pat '572 for the purpose of maintaining concurrency of data.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572) as applied to claim 16 above, and further in view of US Pat. No. 6,539,446 issued to Chan (hereafter Pat '446).

Regarding claim 17, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for automatic notification of an update option. Pat 446 discloses automatic notification of an update option [col. 2, lines 60-64]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '393 and Pat '572 to include automatic notification of an update as taught by Pat '446 for the purpose of notification that a lock failure has occurred [col. 2, lines 60-64].

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8. Claim 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat. '393) as applied to claim 1 above, and further in view of US Pat. No. 4,965,719 issued to Shoens et al (hereafter Pat. '719).

Regarding claim 10, Pat. '393 discloses the essential elements of the claimed invention except for an opt-in field indicating whether or not a client is participating in a data-sharing scheme. Pat. '719 discloses an opt-in field indicating whether or not a client is participating in a data-sharing scheme [col. 6, lines 1-12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat. '393 to include an opt-in field indicating whether or not a client is participating in a data-sharing scheme as taught by Pat. '719 for the purpose of managing concurrent access to records/data to ensure lowest possible response times [col. 1, lines 19-23].

Regarding claim 13, Pat. '393 discloses the essential elements of the claimed invention except for write-access to the field. Pat. '719 discloses write-access to the field [col. 4, lines 46-55]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat. '393 to include write-access to the field for the purpose of managing concurrent access to records/data [col. 1, lines 19-23].

Regarding claim 14, Pat. '393 discloses the essential elements of the claimed invention except for the opt-in field accepts a multi-valued variable. Pat. '719 discloses the opt-in field accepts a multi-valued variable [col. 5, lines 45-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat. '393 to include a multi-valued variable as taught by Pat. '719 for the purpose of accurate processing of the lock history [col. 5, lines 45-50].

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Regarding claim 15, Pat '393 discloses the essential elements of the claimed invention except for sharing data with others in different manners. Pat '719 discloses sharing data with others in different manners [col. 4, lines 46-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include sharing data with others in different manners for the purpose of controlling access to a data resource [col. 4, lines 46-55].

9. Claims 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 5,665,952 issued to Ziarno (hereafter Pat '952).

Regarding **second** claim 18, 30 and 31, Pat '393 discloses the essential elements of the claimed invention except for login access for donors. Pat '952 discloses login access for donors [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include login access for donors as taught by Pat '952 for the purpose of convenience in donating to a charitable organization [abstract].

Claims 19, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 6,535,871 issued to Romansky et al (hereafter Pat '871).

Regarding claims 19 and 34, Pat '393 discloses the essential elements of the claimed invention except for a political organization. Pat '871 discloses a political organization [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the



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invention was made to modify Pat '393 to include a political organization as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Regarding claim 21, Pat '393 discloses the essential elements of the claimed invention except for an opt-out field. Pat '871 discloses an opt-out field [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include an opt-out field as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

4/30/03 

  
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